

**CITY OF MORGAN HILL
JOINT REGULAR CITY COUNCIL
AND REGULAR REDEVELOPMENT AGENCY MEETING
MINUTES – MARCH 7, 2007**

CALL TO ORDER

Mayor Pro Tempore/Vice-chair Carr called the meeting to order at 7:00 p.m. He indicated that Mayor/Chairman Tate would be participating via telephone for the closed session portion of the meeting.

ROLL CALL ATTENDANCE

Present: Council/Agency Members Grzan, Lee, Sellers and Mayor Pro Tempore/Vice-Chair Carr
Absent: Mayor/Chair Tate (open session only)

Closed Session only

Remote Location: Mayor/Chairman Tate (6825 E. 4th Street, Scottsdale, Arizona for Closed Session Only) – Joined the City Council for closed session at 7:51 p.m.

DECLARATION OF POSTING OF AGENDA

City Clerk/Agency Secretary Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

SILENT INVOCATION

Council Member Sellers announced that the City lost a magnificent individual in Lourdes Balderas. He indicated that Ms. Balderas battled cancer for almost a decade; yet, continued to remain an employee for the City for much of this time. He stated that Ms. Balderas was a terrific individual, a strong spirit, and a compassionate, caring and giving individual who did a tremendous job for the Housing Division. He said that many families in Morgan Hill have benefited directly from her hard work, and are in their homes due to her efforts. He indicated that Ms. Balderas will be missed by the City and the entire community. He requested that everyone keep Ms. Balderas' family in their thoughts this evening, and requested that the meeting be adjourned in her honor.

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

RECOGNITIONS

CITY COUNCIL REPORT

Council Member Grzan reported that he serves as the chair to the Utilities & Environment Committee. He indicated that this Committee is active in reviewing a number of environmental issues that come forward (e.g., perchlorate, cell towers, health and utility related issues). He informed the public that

Council members spend a great deal of time outside Council meetings dealing with issues, meeting with individuals, and serving on various committees. He is excited about working on this Committee, and the direction it will be taking in the next couple of months. He stated that the Committee will be putting together an environmental workplan that will address a number of environmental issues for the City. He indicated that in the next few months the Committee will be addressing everything from creeks and streams, solar energy, building green, and looking/providing incentives for the community to go into this direction.

Council Member Grzan indicated that he also serves as chair to the South County Regional Wastewater Authority (SCRWA); indicating that it is critical to the community to have the wastewater treated and have a safe environmental process in place. He indicated that the wastewater treatment plant will be undertaking some major renovations. SCRWA is looking at potentially investing up to \$47 million to restructure the wastewater treatment plant in order to meet new demands. He stated that the City of Morgan Hill continually invests in these types of activities in order to be able to handle growth. He indicated that the City is fortunate, in this regard, because surrounding communities did not invest as the City did. He stated that some communities are finding themselves in a building moratorium and backtracking; building facilities that should have been built/invested upon 10-years ago. He felt the City is smart in this regard, and continues to invest in this area. He was pleased to announce that the treatment plant's capacity will be able to handle growth, and that the City is safely/correctly managing the treatment of wastewater. He announced that the City is moving toward recycling water, and that there are methods in place that allow treatment/recycling of water to local farmers at a cost effective price. He indicated that the Council's duties and responsibilities as council members expands to the various committees it belongs to. Therefore, there are many hours each council member spends outside Council meetings; working on various projects.

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER REPORT

City Manager Tewes thanked the Council for agreeing to adjourn the meeting in honor of Lourdes Balderas on behalf of the organization and Ms. Balderas' family. He indicated that Mayor Pro Tempore Carr called to order the regular meeting as well as the special meeting; noting that a quorum exists for both meetings. He indicated that Mayor Tate has requested the opportunity to participate in the special meeting at such time that agenda is called. He clarified that Mayor/Chair Tate will be participating in the meeting by telephone, and that at the appropriate time, he will indicate the extent to which he has complied with the posting requirements for telephone participation.

CITY ATTORNEY REPORT

City Attorney Kern stated she did not have a report to present this evening.

OTHER REPORTS

PUBLIC COMMENT

Mayor Pro Tempore/Vice-Chair Carr opened the floor to public comment for items not appearing on this evening's agenda. No comments were offered.

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

Agenda was adopted as printed.

City Council Action

CONSENT CALENDAR:

Action: *On a motion by Council Member Sellers and seconded by Council Member Grzan, the City Council, on a 4-0 vote with Mayor Tate absent, **Approved** Consent Calendar Items 1-5 as follows:*

1. **ACCEPT GRANT FUNDS FOR THE COYOTE CREEK TRAIL CONNECTION PROJECT**

Action: *1) **Appropriated** Grant Funds of \$73,000 from the Current Year Un-Appropriated Street Fund Balance (202), from the Bay Area Air Quality Management District, by directing that they be Deposited to Offset the Costs of CIP Project #536004; and 2) **Appropriated** an Additional \$7,000 from the Current Year Un-Appropriated Park Impact Fund Balance (301) to Complete the Coyote Creek Trail Connection Project.*

2. **ADDITIONAL APPROPRIATION REQUEST AND EXTENSION OF PROFESSIONAL SERVICES CONTRACT FOR PREPARATION OF THE “TRAILS AND NATURAL RESOURCES STUDY”**

Action: *1) **Approved** Additional Scope of Work from Royston Hanamoto Alley & Abey in the Amount of \$7,800, and **Authorized** the City Manager to Execute an Amendment to the Existing Professional Services Agreement for Preparation of a Trails and Natural Resources Study, Subject to Review and Approval by the City Attorney; 2) **Approved** Extension of Professional Services Agreement Term, Subject to Review and Approval by the City Attorney; and 3) **Appropriated** \$48,000 from the Un-Appropriated Park Impact Fund (301) to Cover the Costs Associated with the Trails and Natural Resources Study, Which Includes Additional Funds for the Professional Services Contract and CIP Administration.*

3. **REQUEST FOR ADDITIONAL FUNDING FOR PHASE I OF NEW TRUNK SEWER LINE**

Action: ***Appropriated** an Additional \$2,000,000 from the Current Year Un-Appropriated Sewer Impact Fund (641) for Project Construction.*

4. **COUNCIL RESOLUTIONS SUPPORTING GRANT FUNDING FOR THE EXTENSION OF LLAGAS CREEK TRAIL**
Action: Adopted Resolution Nos. 6084 and 6085; Supporting the Applications for Grant Funds for the Extension of Llagas Creek Trail, Between La Crosse Drive and Watsonville Road.
5. **SPECIAL CITY COUNCIL MEETING MINUTES OF FEBRUARY 21, 2007**
Action: Approved the Minutes as Submitted.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

Action: On a motion by Agency Member Sellers and seconded by Agency Member Grzan, the Redevelopment Agency Board, on a 4-0 vote with Mayor/Chairman Tate absent, Approved Consent Calendar Item 6 as follows:

6. **JOINT SPECIAL AND REGULAR CITY COUNCIL AND REGULAR REDEVELOPMENT AGENCY MEETING MINUTES OF FEBRUARY 21, 2007**
Action: Approved the Minutes as Submitted.

Redevelopment Agency and City Council Action

OTHER BUSINESS:

7. **AMENDMENT TO AGREEMENT WITH THE MORGAN HILL DOWNTOWN ASSOCIATION (MHDA)**

Business Assistance and Housing Services Director Toy presented the staff report. He indicated that the Redevelopment Agency is being asked to consider a request to extend the deadline from February 28 to April 30, 2007 by the Morgan Hill Downtown Association. The extension would allow time to form a board for the Property Based Improvement District (PBID), and to prepare a scope of work for the PBID. He indicated that the City is being asked to appoint a representative and an alternate to the permanent board of the Morgan Hill Downtown PBID. He indicated that staff is recommending that the Council grant the extension. He stated that the City would be a member of the PBID as a non voting board member. He noted that the PBID cannot receive funding until the scope of work is approved by the City. In order to help facilitate this process, an interim PBID was formed to which he currently holds a seat. However, staff is recommending the Council/Agency Board appoint a member to the permanent board. The interim board would be dissolved once the permanent board is selected. He informed the Council/Agency Board that Theresa Kiernin, representing the Downtown Association, was in attendance to respond to questions the Council/Agency Board may have related to the PBID.

Mayor Pro Tempore/Vice-Chair Carr opened the floor to public comment.

Theresa Kiernin concurred with the staff report, as presented, and indicated that she would respond to questions the Council/Agency Board may have.

No further comments were offered.

Council/Agency Member Sellers noted that it was indicated that staff currently serves on the interim board as the City's representative. He felt that it would make sense to allow staff to continue serving in this capacity. He supported exploring the appointment of an alternate representative.

Redevelopment Agency

Action: *On a motion by Agency Member Sellers and seconded by Agency Member Grzan, the Agency Board, on a 4-0 vote with Chairman Tate absent, **Authorized** the Executive Director to do Everything Necessary and Appropriate to Amend the Agreement with MHDA to Extend the Deadline to April 30, 2007 for the MHDA to Form a Property Based Improvement District (PBID) Board and Prepare the PBID Scope of Work for Agency Approval; Subject to Review and Approval by the Agency Counsel.*

City Council

Action: *On a motion by Council Member Sellers and seconded by Council Member Grzan, the City Council, on a 4-0 vote with Mayor Tate absent, **Appointed** the existing staff Representative to the Permanent Board of Directors for the New Morgan Hill Downtown Property Based Improvement District.*

City Council Action

OTHER BUSINESS:

8. FORMATION OF ACCESSIBILITY COMMITTEE

Recreation & Community Services Director Rymer presented the staff report; informing the Council that the item before it is a recommendation by the Senior Advisory Commission that the Council consider the establishment of another commission whose charge would be to address American with Disabilities Act (ADA) issues. He informed the Council that Chair Fenton and Commission Member Quenneville were in attendance to address the Council, should it desire further details from the Commission. He noted that one of the workplan items for staff this year is to look at accessibility issues associated with sidewalks, and how they relate to seniors. However, during the course of the year, some citizens have appeared before the Senior Advisory Commission with regards to a variety of different accessibility issues. Because of the complexities and the expertise needed in this area, the Commission has written a letter to the Council asking that it consider establishing a separate commission that would be charged with the review of accessibility issues. Staff recommends the Council receive/accept the letter from the Commission, and that it refer the Commission's recommendation to the City Manager for review. Staff would return to the Council with a recommendation(s) at a future meeting date.

Mayor Pro Tempore Carr opened the floor to public comment.

Senior Advisory Commission Chair Fent indicated that this is an item that has been near and dear to the heart of the Senior Advisory Commission. With the growing senior population in the community, she felt it clear the City needs to start focusing on the needs of individuals with disabilities. She said that

not only is the City seeing more seniors in the community, but seeing more seniors with disabilities. She felt that an influx will be seen soon, and that the City needs to prepare for it. She indicated that there has been quite a few areas of concern raised by community members; noting that Commissioner Queeneville is the Commission's expert in this area. She stated that the Commissioners are focused on the needs of seniors, and that this topic is of a much broader importance to the City and the community; and that it goes beyond the expertise of this Commission.

Senior Advisory Commissioner Queeneville clarified that the letter of February 6, 2007 states that the Commission would like the City to address all ADA related issues as sidewalks are a minor portion of ADA regulations. He indicated that the City is allowing the replacement of driveways that do not address sidewalk accessibility/mobility. He noted that the ADA was passed in July 1990, and recommended the City look at forming a commission comprised of individuals with various disabilities to serve on said commission.

No further comments were offered.

Council Member Sellers stated his support of moving forward and having a consistent review of ADA/disability related access issues, in general. He felt that these were important issues to look at in all aspects as it impacts individuals throughout the community. He recommended the Council give direction to staff before asking them to look at the formation of an advisory body. He noted the Council has had several discussions about the role and the number of commissions it has created. He indicated that the Council is often told that it needs to recognize that the formation of commissions takes additional staff resources. He felt the Council needs to distinguish between ongoing and short term efforts. It was his belief that addressing ADA issues would be an ongoing effort. It also needs to be determined how frequent a commission would need to meet (once a month, quarterly, etc.). He felt these were areas that need to be explored. If this is to be a commission, he felt the Council needs to narrowly define the scope of work, and also consider whether there are other entities that could be formed that would achieve the desired results. He noted that it is often a challenge to recruit qualified individuals to serve on commissions.

Council Member Grzan concurred with allowing staff to review the request for the formation of an ADA Commission, and that he would be willing to review staff's recommendation when it returns to the Council. Further, to determine whether this would be an ongoing commission. He concurred that all committees and commissions take staff time. He inquired whether there was an alternative way of achieving ADA compliance as opposed to the formation of a permanent committee/commission.

Action: *On a motion by Council Member Sellers and seconded by Council Member Grzan, the City Council, on a 4-0 vote with Mayor Tate absent: 1) **Accepted** Senior Advisory Commission's Letter Dated February 6, 2007; and 2) **Referred** the Recommendation for the Formation of an Accessibility Committee/Commission to the City Manager for Review and Recommendation to be Presented to the Council at a Future Meeting Date.*

FUTURE COUNCIL-INITIATED AGENDA ITEMS

No items were identified.

Note: The City Council/Agency Board concluded the open session of the joint Regular City Council and Regular Redevelopment Agency Meeting at 7:24 p.m. The City Council/Redevelopment Agency returned to the Special City Council/Redevelopment Agency meeting to conclude its open session item.

City Council Action

Note: The City Council returned to conclude the closed session item at 7:48 p.m.

CLOSED SESSIONS:

Mayor Tate joined the City Council for the below listed closed session item via telephone from Scottsdale, Arizona, and announced that he posted the agenda in accordance with law.

City Attorney Kern announced the below listed closed session items:

1.

CONFERENCE WITH LABOR NEGOTIATOR:

Authority: Government Code Section 54957.6
Agency Negotiators: City Manager; Human Resources Director
Employee Organizations: Morgan Hill Police Officers Association

2.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code Section 54956.9(a)
Case Name: Arcadia Development Company v. City of Morgan Hill
Case Number: County of Santa Clara No. 1-04-CV-020598.
Attendees: City Manager; City Attorney; Special Counsel

OPPORTUNITY FOR PUBLIC COMMENT

Mayor Pro Tempore Carr opened the Closed Session items to public comment. No comments were offered.

Mayor Tate opened the Closed Session items to public comment in Scottsdale, Arizona. No comments were offered.

ADJOURN TO CLOSED SESSION

Mayor Pro Tempore Carr adjourned the meeting to Closed Session at 7:50 p.m.

RECONVENE

Mayor Pro Tempore Carr reconvened the meeting at 8:46 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Kern announced that no reportable action was taken in closed session.

ADJOURNMENT

There being no further business, Mayor Pro Tempore/Vice-Chair Carr adjourned the meeting at 8:47 p.m. in memory of Lourdes Balderas.

MINUTES RECORDED AND PREPARED BY:

IRMA TORREZ, CITY CLERK/AGENCY SECRETARY